## CNU-41120-2014

### STATEMENT OF JUSTIFICATION

### Case Name, Application (Case) Number:

Strathcona Apartments, Case No. CNU-41120-2014

### Description of proposed use/request:

Application for the Issuance of a Certificate of Nonconforming Use.

### Description and location of the subject property:

The subject property is located at 28-40 Crescent Road, located across from the Greenbelt City Office between Southway and Westway, northeast of the Baltimore-Washington Parkway, and northwest of the Capital Beltway. The street address of the Strathcona Apartments is 28-40 Crescent Road, Greenbelt, Maryland. The subject property is located in Tax Map 26, Tax Grid F-4, WSSC Grid: 211NE07. Portions of the subject property are zoned R-P-C, R-18, and R-T. Adjacent properties are zoned O-S, R-T, R-P-C. Immediately across the street, the property is zoned R-P-C and C-S-C (see Zoning Sketch Map).

### Description of required findings:

Continuation of nonconforming uses is governed by Section 27-244 of the Prince George's County Code. Under Section 27-244(b), an owner who demonstrates through documentary evidence the "continuous existence of the nonconforming use", and that the nonconforming use has not ceased for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the Application is submitted is entitled to confirmation that the use is a legal nonconforming use.

The Strathcona Apartments have been used continuously, and without <u>any</u> interruption whatsoever, as an apartment project with exactly the same site layout and interior and exterior building configuration since at least April 30, 1953. The attached Affidavit of Charles L. Levin attests to this fact on personal knowledge. Mr. Levin has been personally involved as an owner of the Strathcona Apartments for every day between April 30, 1953 and the date of this Application. His Affidavit is supported by substantial documentary evidence confirming that the Strathcona Apartments have been operated in their current configuration and use for over 60 years:

- proof that the Strathcona Apartments were built for multiple-family occupancy by the United States Government during the administration of Franklin D. Roosevelt as part of a plan to promote middle-income housing;
- a 1953 circular advertising the Strathcona Apartments for sale as occupied residences;
- evidence of the acquisition of the Strathcona Apartments by current ownership on April 30, 1953;
- business records verifying the conduct of an apartment rental business at the property as follows:
  - o depreciation schedules verifying that the property was placed in service in 1953 for the owner's tax purposes;
  - o tax returns for 1955-1971, 1978, 1979, 1981 and 1988-2013;
  - o insurance policies for a 42 unit rental project for 1982-1984;

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- o financial statements for 1980 and 1981;
- o operating statements for 1985, 1986 and 1987;
- verification from Washington Suburban Sanitary Commission that the account has been active since at least November 1, 1966 and stating that earlier records are unavailable; and
- o Rental Licenses issued by the City of Greenbelt, Maryland from 1994, the date they were first issued.

It is rare to have such a clear evidentiary record of a 61-year operating history. It is unusual for ownership to have access to an individual who can verify from personal knowledge over 60 years of continuous operation as an apartment project. The Affidavit of Charles L. Levin, supported by a complete documentary history establishes beyond any shadow of a doubt whatsoever that the property has been continuously operated as an apartment project, with no break in service of more than 180 days in the aggregate.

The property became nonconforming in 1953, when the U.S. government sold the Strathcona Apartments, or in 1957 when Prince George's County adopted a zoning map which classified the property as R-18. At that time multiple family dwellings were permitted in the R-18 zone. The subject property was 400.02 square feet per dwelling unit short of the 1,800 square foot per dwelling unit minimum net lot area required of the R-18 zone.

Specific data showing the exact nature, size and location of the buildings, legal description of the property have been supplied by a site plan prepared by O'Connell & Lawrence, Inc., dated October 15, 2014.

No Use and Occupancy Permit has ever been issued, although the subject property has continuously held rental licenses issued by the City of Greenbelt, Maryland since 1994, when rental licenses were first required.

### Conclusion of Request:

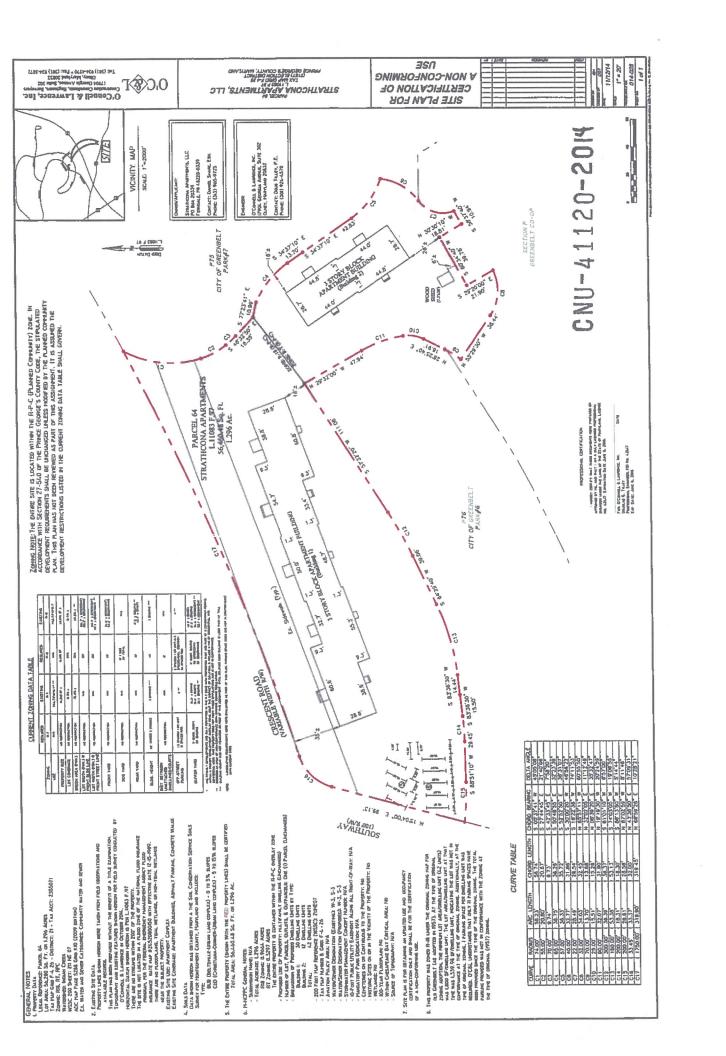
As the Strathcona Apartments have been used continuously as an apartment complex, without a break in operations, and without a change in size, location or apartment configuration since they became nonconforming in 1953 or 1957, and conclusive evidence of its continuous operation has been submitted, Strathcona Apartments, LLC respectfully requests that the Strathcona Apartments be certified as a nonconforming legal use and a Use and Occupancy Permit be Issued for their continued use as residential apartments.

STRATHCONA APARTMENTS, LLC, a Maryland limited liability company

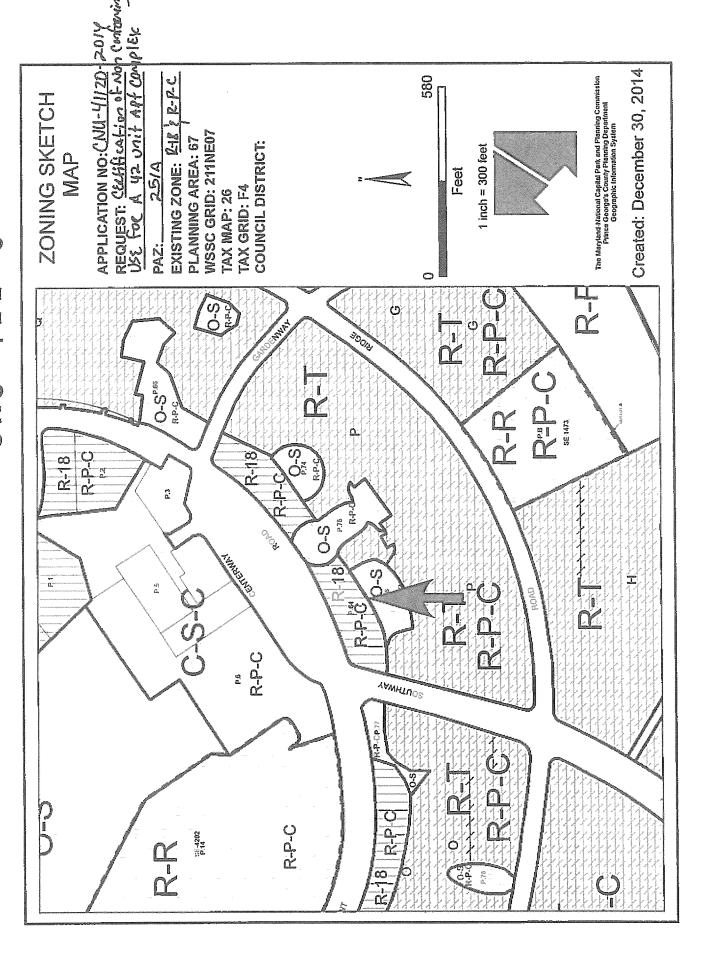
CHARLES L. LEVIN

Manager

Dated: November 19, 2014



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# M - NCPPC Prince George's County Development Activity Monitoring System Report Zoning Case File

### ZONING CASE INFORMATION

CASE NUMBER: CNU-41120-14

TITLE: STRATHCONA APARTMENTS

DESCRIPTION: CERTIFICATION OF NON-CONFORMING USE FOR A 42 UNIT APARTMENT COMPLEX.

LOCATION: LOCATED ON THE SOUTH SIDE OF CRESCENT ROAD AT ITS INTERSECTION WITH SOUTHWAY

ROAD.

DATE ACCEPTED: 1/7/2015

### COUNCILMANIC DISTRICTS 04

ZONING:

1.29acres

FEE(S):

R-18 R-P-C

0.00acres

\$60.00 (Sign Posting Fee)

\$500.00

(Application Fee)

\$560.00

GEOGRAPHIC INFORMATION

TAX MAP &GRID: 026 F-4

PLANNING AREA: 67

TIER: DEVELOPED

MUNICIPALITY: Yes

ELECTION DISTRICT: 21

AREA IN PLAN: 1.29

POLICY ANALYSIS ZONE: 251A

200 SCALE MAP: 211NE07

AVIATION POLICY AREA: N/A

### APPLICANT / AGENT INFORMATION

APPLICANT: STRATHCONA APARTMENTS, LLC.

ADDRESS: 18280 FAIRWAY DRIVE

DETROIT, MI

ZIP CODE: 48221

PHONE: 313-345-1348

FAX:

EMAIL:

AGENT: O'MALLEY, MILES, NYLEN & GILMORE

ADDRESS: 11785 BELTSVILLE DRIVE, 10TH FLOOR

BELTSVILLE, MD

ZIP CODE: 20705

PHONE: 301-572-7900

FAX: 301-572-6655

EMAIL: @OMNG.COM